

# **The Issues of Juvenile Criminal Justice**

## **The Abstract**

This Master's degree thesis named „The Issues of Juvenile Criminal Justice“ focuses on the issues of proceedings in the matters of children under the age of fifteen according to title third of the Act No. 218/2003 Coll. on the Responsibility of Juveniles for illegal Acts and on the Justice of Youth (hereinafter “ZSM”). These proceedings are unlike any other in that regard that although they are civil, they can't deny their penal aspect since they deal with the other offences, the acts which possess every element of a crime except for the fact that they were committed by someone not criminally liable. These proceedings are yet to be thoroughly examined by law literature or any other thesis and their statutory regulation itself is quite brief, that is despite the complexity of said issues.

The first introductory chapter defines several basic concepts of these proceedings, such as „the child under the age of fifteen“ or „other offence.“ Then, the ZSM is covered. This act is naturally crucial for the issue, though his relations to general civil and penal regulation must be explained.

In the second chapter, called „Historical context,“ some key historical milestones are remembered, with the focus on Act No. 48/1931 Coll. on the Penal Justice System of the Youth, which is the ideological predecessor of the current act.

The international comparison in chapter three shows the different approaches of several countries in dealing with not criminally liable children committing other offences. The Czech Republic has the most complex regulation on said issues in this comparison.

After that, in fourth chapter, the activity of various authorities and institutions a child under the age of fifteen who committed the other offence can come into contact with is described. These are the police authorities, the child protection service, the public prosecution, the youth judge, the probation and mediation service and the foster care institution with school facilities.

In the fifth chapter, the most significant judicial decisions regarding the subject matter are summed up.

Finally, the sixth chapter offers warnings about several problematic aspects of the subject matter that are yet to be satisfyingly resolved and are the cause of difficulties in the general practice.

In the conclusion of thesis, apart from the summary of it, a reflection on the quality and perspective of the proceedings according to the title third of ZSM. Although the regulation leaves much to be desired, the overall impression, especially from the practical standpoint is generally positive.

### **Key words:**

Children under the age of fifteen

Other offence

Protective education